

Robert Jacobsen v. Allstate Insurance Company

Year: 2011

Court: Montana Supreme Court

Case Number: DA 12-0130

UP filed an amicus brief in support of a Montana law that allows third parties injured in automobile accidents to bring direct claims against insurance companies who fail to ethically handle claims asserted by those third parties against their insureds. Allowing third parties to bring claims directly, as opposed to relying on the insured to bring the claim, promotes important public policies such as gaining prompt compensation and encouraging settlement. UP also argued in support of class action certification in insurance contract and bad faith disputes as a means to promote consumer protection and prevent unfair practices when insurance companies unjustly enrich themselves with small amounts from a significant number of customers. Update: (March 26, 2014) The Montana Supreme Court issued its opinion in August of 2013 (attached below), holding that the District Court had properly certified Jacobsen's class under Montana law in keeping with U.S. Supreme Court precedent. However, the Court reversed on the class-wide punitive damages claim, citing concerns over Allstate's Due Process rights. Allstate's petition the U.S. Supreme Court is currently pending.

UP's brief was written pro bono by Amy Poehling Eddy of Bottomly Eddy & Sandle, and William F. "Chip" Merlin, Jr. of Merlin Law Group, P.A.